

### REMARKS

Claims 1-34 are pending. As indicated above, no claims have been amended by this paper.

The Office Action indicated that the Applicants' declaration fails to meet the requirements of 37 C.F.R. § 1.61 in that it only refers to a portion of 37 C.F.R. § 1.56 (in this case 1.56(a)) with respect to the Applicants' duty to disclose information material to patentability. Applicants are in the process of executing a new declaration that satisfies the requirements of 37 C.F.R. § 1.61 and will file the new declaration once the signatures of all inventors have been obtained.

The Office Action rejected claims 1-23 and 25-72 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,742,829 to Davis et al. ("*Davis*"), rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Davis* in view of U.S. Patent No. 6,678,888 to Sakanishi et al ("*Sakanishi*"), rejected claim 28 under 35 U.S.C. § 103(a) as unpatentable over *Davis* in view of U.S. Patent No. 6,209,089 to Selitrennikoff et al. ("*Selitrennikoff*"), and rejected claims 29-34 under 35 U.S.C. § 103(a) as unpatentable over *Davis* in view of *Selitrennikoff* and *Sakanishi*.

The instant Application is a continuation of U.S. Patent No. 6,282,712, filed September 16, 1999, which is a continuation of U.S. Patent Application No. 08/403,244, now abandoned, filed March 10, 1995. Accordingly, Applicants' effective filing date is March 10, 1995. *Davis* was filed March 10, 1995, with no claim to priority; *Sakanishi* was filed August 25, 2000, with a foreign priority claim dating back to August 26, 1999; and *Selitrennikoff* was filed August 12, 1998 with no claim to priority.

Based on the dates identified above, Applicants respectfully submit that none of the cited art, *Davis*, *Sakanishi*, nor *Selitrennikoff*, predates Applicants' priority date, and therefore none of the cited art qualifies as prior art with respect to the instant Application. Because none of the cited art qualifies as prior art with respect to the instant Application, Applicant submit that all rejections of record are improper and should be withdrawn.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 5<sup>th</sup> day of August, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", with a stylized flourish at the end.

RICK D. NYDEGGER  
Registration No. 28,651  
ERIC M. KAMERATH  
Registration No. 46,081  
Attorneys for Applicant  
Customer No. 022913